

ITEM: 25

SUBJECT: Lamont Public Utility District, Wastewater Treatment Facility, Kern County

BOARD ACTION: Consideration of Tentative Waste Discharge Requirements and Cease and Desist Order.

BACKGROUND: The Lamont Public Utility District (District) owns and operates an aerated pond wastewater treatment facility (WWTF) that serves the community of Lamont and has a reported design capacity of 3.25 million gallons per day (gpd). Current flows average 1.4 mgd. By lease agreement, the District provides all of its wastewater to Community Recycling and Resource Recovery, Inc. (Community Recycling). Community Recycling applies the wastewater to the compost it manufactures on 190 acres of District land adjacent to and south of the WWTF. Community Recycling can also apply wastewater on 130 acres of nearby fiber, fodder, and seed crops. The District also has 160 acres near the WWTF that is fallow.

The District has disposal capacity problems that date to 1985. To address the disposal capacity issues, the Discharger historically obtained short-term agreements with nearby farmers to take its effluent. In June 1993, the District entered into a long-term lease agreement with Community Recycling. Waste Discharge Requirements (WDRs) Order 98-043, which currently regulates the discharges, limits the monthly average discharge flow to 2.0 mgd. In April 2000, the Board adopted Cease and Desist Order (CDO) R5-00-098 for District violations of effluent BOD and TSS limits and for the District's failure to obtain adequate disposal capacity, among other issues. To address treatment capacity issues, the District constructed two lined facultative ponds and two lined storage ponds. Community Recycling also expanded its operations and it appeared that the District's disposal capacity issues were solved.

More recent monitoring indicates the WWTF is again violating its effluent BOD and TSS limits although it is operating at only 43% of its design capacity of 3.25 mgd.

The District currently relies solely on Community Recycling to dispose of all of its wastewater. On 15 November 2011, Kern County purported to revoke the Conditional Use Permit (CUP) issued to Community Recycling. Based on flow information available at the time, the District Engineer calculated that after 46 days, the District's ponds would be full, resulting in uncontrolled discharges of effluent to neighboring properties. The District and Community Recycling have obtained a stay of the County action and the matter is being litigated; the District does not control its effluent disposal, and it is uncertain whether Community Recycling will be able to continue to operate in the future. Further, Community Recycling, as a private business, can cease operations, which would leave the District without a way to dispose of its effluent. In short, the District needs to develop reliable long-term disposal capacity.

The proposed WDRs update WDRs Order 98-043 and maintain an effluent flow limit of 2.0 mgd. The proposed CDO requires the District to implement measures to improve WWTF treatment so effluent meets Basin Plan BOD and TSS limits. The proposed CDO also requires the District to reevaluate its disposal capacity needs and to demonstrate to the Board that it has secured reliable, adequate disposal capacity for a reasonable planning period of 20 years.

ISSUES:

The Center for Race Poverty and Environment asked staff to reduce the compliance dates in the CDO item 3.b and 3.c by 12 months.

The District and Community Recycling generally object to the CDO primarily because it requires the District to obtain disposal capacity beyond that provided by Community Recycling. Both the District and Community Recycling also opine that the CDO interferes with their ability to litigate Kern County's action to revoke Community Recycling's CUP. The District also contends that developing additional disposal capacity is too expensive for the citizens of Lamont.

As discussed above, the District has little or no control over its effluent disposal. The proposed WDRs and CDO require the District to demonstrate to the Board that it has reliable and adequate disposal capacity. The proposed Board action is also separate from the ongoing litigation between the District, Community Recycling, and Kern County. However, given the more recent flow information provided by the District Engineer, staff did rework CDO item 3 to allow the District to reevaluate its capacity needs for a reasonable planning period and to examine a variety of options to secure reliable, adequate disposal capacity for its discharges. Staff also extended the schedule dates in CDO item 3 to allow the District adequate time for planning and design, completing a report of waste discharge, and completing the California Environmental Quality Act process for its chosen option.

RECOMMENDATION:

Mgmt. Review CLR
Legal Review PEP

Staff recommends the Board adopt the proposed WDRs and CDO.

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11020 Sun Center Dr. #200
Rancho Cordova, CA 95670